

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 54737-M of 2005

DATE OF DECISION : 18.09.2006

Daksh Paraja Pati @ Darshan Lal @ Shiv Ram

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: None for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure for issuing direction to the respondent to execute the warrant of execution of sentence concurrently in FIR No. 12 dated 12.2.1994 under Section 302, 364, 120-B, 201, 147, 148, 149 IPC, registered at Police Station City Ferozepur and FIR No. 235 dated 13.10.1999 under Section 395 IPC and 25 of the Arms Act registered at Police Station City Jalalabad.

Pursuant to the notice, reply on behalf of the respondents has been filed in Court today. The same is taken on record.

I have heard counsel for the respondents-State.

Undisputedly, in this case, the first sentence awarded to the petitioner is life imprisonment and the second sentence is term sentence. According to sub-section (2) of Section 427 of the Code of Criminal Procedure, if the first sentence is life sentence, then the second sentence has to run concurrently. The case of the petitioner is fully covered by the decision of the Hon'ble Apex Court in **Ranjit Singh Vs. Union Territory of Chandigarh and another**, (1991) 4 Supreme Court Cases 304. Counsel for the respondent-State does not dispute the aforesaid factual and legal position.

In view of the above, this petition is allowed and the second sentence of 7 years rigorous imprisonment awarded to the petitioner vide

order dated 29.9.2003 in case FIR No. 235 dated 13.10.1999 under Section 395 IPC and 25 of the Arms Act registered at Police Station City Jalalabad, is ordered to run concurrently with first sentence of life imprisonment awarded to him vide order dated 27.11.1997 in case FIR No. 12 dated 12.2.1994 under Section 302, 364, 120-B, 201, 147, 148, 149 IPC, registered at Police Station City Ferozepur.

September 18, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE